

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

GARY BRADLEY,

Charging Party,

-v-

EVERTON MATTRESS &
FURNITURE GALLERY, Inc.,

Respondent.

Case # 0061012023

ORDER

Gary Bradley (Bradley) filed a complaint with the Department of Labor and Industry (Department) alleging that Everton Mattress and Furniture Gallery, Inc. (Everton Mattress) discriminated against him based on his race when it terminated his employment. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Bradley's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Bradley filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 22, 2007.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Mont. Code Ann. § 49-2-509(4)(2005); Admin. R. Mont. 24.9.1714(3)*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint is not an abuse of discretion.

A party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Admin. R. Mont. 24.9.1714(7); See also Mont. Code Ann. § 2-4-702; § 49-2-509(4)*.

Alternatively, if a charging party chooses to commence a civil action, charging party has 90 days after the receipt of this order to petition a district court, in the district

where the alleged violation occurred, for the appropriate relief. *Mont. Code Ann. § 49-2-509(5) (2005); Admin. R. Mont. 24.9.1714(5)*. If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Gary Bradley's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Everton Mattress and Furniture Gallery, Inc.

DATED this ____ day of April, 2007.

Chair Ryan C. Rusche
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this ____ day of April, 2007.

GARY BRADLEY
HELENA PRE-RELEASE CENTER
805 COLLEEN STREET
HELENA MT 59601

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Montana Human Rights Bureau